

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Marshall McCrae,	)	C.A. No. 4:07-3465-TLW-TER
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Captain Pastor, Franklin Y. Smith, and	)	
Ray Nash,	)	
	)	
Defendants.	)	
	)	

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This action has been filed by the plaintiff, who is proceeding *pro se*. Plaintiff filed his complaint on October 19, 2007. (Doc. #1). On April 30, 2008, defendants filed a motion for summary judgment with supporting memorandum. (Docs. # 20). Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), the plaintiff was advised by Order filed May 1, 2008, of the summary judgment dismissal procedure and the possible consequences if he failed to adequately respond to the motion. (Doc. # 20). No response was filed.

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. No objections to the

Report have been filed.<sup>1</sup>

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 23), and the above captioned case is dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

July 18, 2008  
Florence, South Carolina

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<sup>1</sup>It appears that the Report and Recommendation was returned to sender marked "not here." (Doc. # 26). Pursuant to the Court's Order filed October 26, 2007, the Plaintiff was instructed to advise the Clerk's Office in writing of any address changes. (Doc. # 7). The Order further advises plaintiff that "[i]f as a result of your failure to comply with this order, you fail to file something you are required to file within a deadline set by a District Judge or a Magistrate Judge, your case may be dismissed for violating this Order." Id. This Order was also returned marked "not here." Both the Report, and the returned Order were sent to the address currently on file with Clerk's office, which was provided by plaintiff.